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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|------------------------------------|-------------|-----------------------|---------------------|------------------|
| 09/685,078 | 10/06/2000 | David Allison Bennett | PSTM0010/MRK/STM | 3150 |
| 29524 | 7590 | 03/03/2006 | EXAMINER | |
| KHORSANDI PATENT LAW GROUP, A.L.C. | | | WEBB, JAMISUE A | |
| 140 S. LAKE., SUITE 312 | | | ART UNIT | |
| PASADENA, CA 91101-4710 | | | PAPER NUMBER | |

3629

DATE MAILED: 03/03/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/685,078

Applicant(s)

BENNETT ET AL.

Examiner

Jamisue A. Webb

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 06 December 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-6,28-33,49-52 and 58-65 is/are pending in the application.
- 4a) Of the above claim(s) 59-65 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-6,28-33,49-52 and 58 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 20051206
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

1. In response to Amendment filed 12/6/05.
2. Claims 1-6, 28-33, 49-52, 58-65 are pending.
3. Claims 59-65 are withdrawn from consideration.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).
6. Claims 1-6, 49-52 and 58 are rejected under 35 U.S.C. 103(a) as being unpatentable over Nicholls et al (5,485,369) in view of Fisher et al. (6,047,264), Kara et al. (6,233,568) and Thiel (5,699,258).
7. With respect to Claims 1, 4, 6, 49-50, 52, and 58: Nicholls discloses the use of a shipping computer system (see abstract), with a method of using the system and a computer program located on the computer system, which instructs the computer to perform rate calculations

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(column 4, lines 8-24). Nicholls discloses each carrier having a set of shipping requirements and a predefined rate structure (column 2, lines 17-19, column 4, lines 49-55 and claim 1), and identifying and displaying the carriers along with the rates of services, for each of the parcels according the rules (See Figures 4B, 4C and 4D, column 2, lines 32-38, column 7, lines 25-29 and claim 1) for each carrier. Nicholls discloses this system to be used over a global network (Column 3, lines 38-45).

8. Nicholls discloses the rates are calculated for carriers with specific delivery requirements such as Proof of Delivery (See Figure 4A), but fails to disclose the specific delivery requirements includes an electronic mail delivery notification. Fisher discloses a method for supplying automatic status updates using e-mail (See abstract). It would have been obvious to one having ordinary skill in the art at the time the invention was made to have the proof of delivery of Nicholls be the electronic notification system, as disclosed by Fisher, in order to automatically send delivery status messages over e-mail without the aid or need of a human customer service representative. (See Fisher, columns 1 and 2).

9. Fisher and Nichols discloses a multiple carrier system that calculates rates for carriers with specific parameters such as a notification of delivery, however Nicholls discloses the automatic selection of a carrier and fails to disclose simultaneously displaying the rates of the carriers to the user. Kara discloses a computer program used for multiple shippers that simultaneously displays that calculate shipping rates of multiple carriers for multiple services (See Figure 8, column 22, lines 20-38). It would have been obvious to one having ordinary skill in the art at the time the invention was made to have the shipping rates of Nicholls be displayed to the user as disclosed by Kara, in order to present the user with information from which to

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make an informed choice as to a particular shipping service provider by which to ship a particular item. (See Kara, column 22)

10. Nicholls, Fisher and Kara, disclose the use of calculating and displaying rates for specific services, for multiple carriers, but fails to disclose the simultaneous display of the rates for each carrier for each service. Thiel discloses the use of a system for calculating rates for multiple carriers for multiple services (see abstract), and discloses a simultaneous display of rates for each carrier, that includes rates for different services (Column 11, lines 1-13). Thiel discloses displaying rates for the preferred carrier, but also discloses displaying the rates for second and third choices as well (Column 11, lines 46-54). It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify Nicholls, Fisher and Kara, to simultaneously display the rates of each carrier for each service, in order to allow the customer to come to his/her own conclusion and choice of carriers. (See column 11).

11. With respect to Claims 2, and 29: See Nicholls, Figure 4A.

12. With respect to Claims 3 and 30: See Nicholls, Column 7, lines 53-67.

13. With respect to Claims 5 and 32: Nicholls discloses displaying a rate adjustment for the special service fees (See Figure 4D).

14. Claims 28-33 are rejected under 35 U.S.C. 103(a) as being unpatentable over Nicholls et al (5,485,369) in view of Pauley et al. (4,958,280), Kara et al. (6,233,568), and Thiel (5,699,258).

15. With respect to Claims 28, 31, and 33: Nicholls discloses the use of a shipping computer system (see abstract), with a method of using the system and a computer program located on the

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computer system, which instructs the computer to perform rate calculations (column 4, lines 8-24). Nicholls discloses each carrier having a set of shipping requirements and a predefined rate structure (column 2, lines 17-19, column 4, lines 49-55 and claim 1), and identifying and displaying the carriers along with the rates of services, for each of the parcels according the rules (See Figures 4B, 4C and 4D, column 2, lines 32-38, column 7, lines 25-29 and claim 1) for each carrier. Nicholls discloses this system to be used over a global network (Column 3, lines 38-45).

16. Nicholls discloses the rates are calculated for carriers with specific delivery requirements such as Proof of Delivery (See Figure 4A), but fails to specifically disclose the proof of delivery is a verbal delivery notification. Pauley discloses the use of costumer service representatives which provide verbal communication of delivery status (Column 9, lines 34-38). It would have been obvious to one having ordinary skill in the art at the time the invention was made to have the proof of delivery of Nicholls be the notification by the customer service representative, as disclosed by Pauley, in order to allow users to obtain delivery information without the use of a computer. See Pauley columns 2 and 4).

17. Nicholls and Pauley disclose a multiple carrier system that calculates rates for carriers with specific parameters such as a notification of delivery, however Nicholls discloses the automatic selection of a carrier and fails to disclose displaying the rates of the carriers to the user. Kara discloses a computer program used for multiple shippers that displays that calculate shipping rates of multiple carriers for multiple services (See Figure 8, column 22, lines 20-38). It would have been obvious to one having ordinary skill in the art at the time the invention was made to have the shipping rates of Nicholls be displayed to the user as disclosed by Kara, in

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order to present the user with information from which to make an informed choice as to a particular shipping service provider by which to ship a particular item. (See Kara, column 22)

18. Nicholls, Pauley and Kara, disclose the use of calculating and displaying rates for specific services, for multiple carriers, but fails to disclose the simultaneous display of the rates for each carrier for each service. Thiel discloses the use of a system for calculating rates for multiple carriers for multiple services (see abstract), and discloses a simultaneous display of rates for each carrier, that includes rates for different services (Column 11, lines 1-13). Thiel discloses displaying rates for the preferred carrier, but also discloses displaying the rates for second and third choices as well (Column 11, lines 46-54). It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify Nicholls, Pauley and Kara, to simultaneously display the rates of each carrier for each service, in order to allow the customer to come to his/her own conclusion and choice of carriers. (See column 11).

19. With respect to Claim 29: See Nicholls, Figure 4A.

20. With respect to Claim 30: See Nicholls, Column 7, lines 53-67.

21. With respect to Claim 32: Nicholls discloses displaying a rate adjustment for the special service fees (See Figure 4D).

Response to Arguments

22. Applicant's arguments filed 12/6/05 have been fully considered but they are not persuasive.

23. With respect to Applicant's arguments that Fisher does not disclose displaying carriers which provide electronic mail notification: Where as Fisher may not disclose the entirety of the

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claim, the combination of references do. Fisher is not used to show carriers which provide e-mail delivery notification, Kara discloses identifying carriers which provide a proof of delivery, Fisher is used to show that e-mail notification is a form of proof of delivery. The combination of references discloses identifying carriers which provide proof of delivery, where proof of delivery is e-mail notification.

24. With respect to Applicant's arguments that Pauly does not disclose identifying carriers which provide verbal delivery notification: Again, as stated above, it is the combination of references which provide this. Kara discloses identifying carriers that provide proof of delivery; Pauly is used to disclose that verbal delivery notification is a form of proof of delivery, where the customer service representative provides all communications. The combination of references discloses the claimed invention.

25. With respect to Applicant's argument that Kara does not disclose a simultaneous display of rates for each carrier for each service. Thiel discloses the simultaneous display; Kara discloses that the calculation is done. Therefore the combinations of references together show the claimed invention.

26. With respect to Applicant's argument Nicholls does not disclose the simultaneous display of rates: Nicholls is not relied upon for showing the simultaneous rates, Nicholls discloses a simultaneous calculation of the rates, Thiel discloses the simultaneous display, as outlined above in the rejection.

27. With respect to Applicant's arguments based on Bartnett: The arguments are moot in view of the modified rejection above. Thiel is now relied upon for this showing. Therefore rejections stand as stated above.

Conclusion

28. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a).

Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

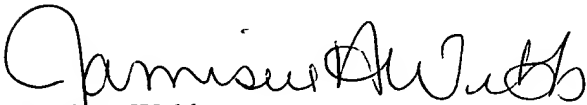
A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jamisue A. Webb whose telephone number is (571) 272-6811. The examiner can normally be reached on M-F (7:30 - 4:00).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Weiss can be reached on (571) 272-6812. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



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